

## **REMARKS**

Claims 47-144 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

Should the Examiner rely on a new ground of rejection or a new reference in rejecting the claims in the next Office Action, a Final Office Action would not be appropriate since the amendments to the claims do not change the scope of the claims. See MPEP § 706.07(a) - under present practice, Office Actions where the Examiner introduces a new ground of rejection shall be final only when the new ground of rejection is necessitated by Applicants' amendment of the claims.

### **REJECTION UNDER 35 U.S.C. § 251**

Claims 47-144 are rejected under 35 U.S.C. § 251, second paragraph, as being based upon a defective reissue declaration under 35 U.S.C. 251. In particular, the Examiner alleges that the reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. This rejection is respectfully traversed

Applicants have included herewith a supplemental reissue declaration to correct the "errors" statement. A reissue

declaration must contain a statement that the Applicants believe the original patent to be wholly or partly inoperative or invalid by reason of a defective specification or drawing, or by reason of the patentee claiming more or less than patentee had the right to claim in the patent. (MPEP § 1414.I). Please note that Applicants' declaration states "I verily believe the original patent to be wholly or partly inoperative or invalid...by reason of the patentee claiming less than he had the right to claim in the patent." As such, Applicants respectfully submit that this portion of the requirements for a reissue declaration is satisfied.

A reissue declaration must contain a statement of at least one error which is relied upon to support the reissue application. (MPEP § 1414.II.A). In identifying the error, "it is sufficient that the reissue oath/declaration identify a single word, phrase, or expression in the specification or in an original claim, and how it renders the original patent wholly or partly inoperative or valid." (MPEP § 1414.II.B). Please note that Applicants' declaration now states:

The issued claims do not include independent claims directed to a plurality of amplifiers assembled in parallel and an adjustable combined transconductance as shown in FIG. 4. Each of the independent claims 47, 56, 62, 70, 74, 77, 80, 84, 87, 90, 91, 92, 101, 107, 110, 113, and 114 includes language directed to a plurality of amplifiers with an adjustable combined transconductance. Such language is absent from the issued independent claims.

Accordingly, Applicants' declaration contains a statement of at least one error which is relied upon to support the reissue declaration.

Applicants' declaration further includes a supplemental oath that states that every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration(s) submitted in this application, arose without any deceptive intention on the part of the applicant.

**ALLOWABLE SUBJECT MATTER**

The Examiner states that claims 47-144 are allowable over prior art of record in view of the limitations added to each of the independent claims.

## CONCLUSION

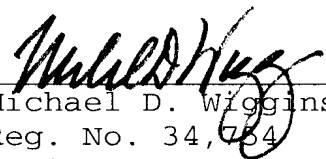
It is believed that all of the stated grounds of rejection have been properly addressed. For all of the reasons set forth above, Applicants submit that the application is in condition for allowance. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. By addressing particular positions taken by the Examiner in the above remarks, Applicants do not acquiesce to other positions that have not been explicitly addressed. In addition, Applicants' arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist.

If the Examiner believes that personal communication will allow any outstanding issues to be resolved, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: January 13, 2010

By: \_\_\_\_\_

  
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